

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY  
COUNTY, VIRGINIA HELD ON THE 14<sup>TH</sup> DAY OF AUGUST, 2002 AT 7:15 P.M. IN THE  
BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE  
STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Gary D. Creed	-Supervisors
	John A. Muffo	
	Annette S. Perkins	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary
ABSENT:	Larry N. Rush	-Vice Chairman
	James D. Politis	-Supervisor

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The Chair called the meeting to order and the Pledge of Allegiance was recited.

### **PUBLIC HEARING**

Proposed Ordinance Relocating the Central Absentee Voting Election Precinct

**Proposed Ordinance relocating the Central Absentee Voting Election Precinct** from the Jury Room on the 4<sup>th</sup> Floor at the Montgomery County Courthouse in Christiansburg, Virginia to the Multi-Purpose Room on the 1<sup>st</sup> Floor of the Montgomery County Government Center located at 755 Roanoke Street, Christiansburg, Virginia.

There being no speakers, the public hearing was closed.

### **PUBLIC ADDRESS SESSION**

There being no speakers, the public address session was closed.

### **INTO WORK SESSION**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Conservation Easements - Beth Obenshain, New River Land Alliance, will make a presentation on conservation easements.
2. Revenue Sharing FY 2002-2003.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	James D. Politis
Gary D. Creed		Larry N. Rush
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		

### **OUT OF WORK SESSION**

On a motion by Gary D. Creed, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis

Annette S. Perkins  
John A. Muffo  
C.P. Shorter  
Mary W. Biggs

Larry N. Rush

### **ADDENDUM**

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously, the Addendum dated August 24, 2002 was added to the agenda under New Business as follows:

### **Petition to the Governor of the Commonwealth of Virginia to Declare Montgomery County a Drought Area**

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSENT DURING VOTE</u>
John A. Muffo	None	Larry N. Rush	Annette S. Perkins
Gary D. Creed		James D. Politis	
C.P. Shorter			
Mary W. Biggs			

### **CONSENT AGENDA**

On a motion C.P. Shorter, by seconded by Gary D. Creed and carried unanimously, the Consent Agenda dated August 14, 2002 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSENT DURING VOTE</u>
Gary D. Creed	None	Larry N. Rush	Annette S. Perkins
John A. Muffo		James D. Politis	
C.P. Shorter			
Mary W. Biggs			

### **Approval of Minutes of May 13, May 28, June 3 and June 6, 2002**

On a motion C.P. Shorter, by seconded by Gary D. Creed and carried unanimously, the minutes dated May 13, May 28, June 3 and June 6, 2002 were approved.

**Public Service Authority Loan - Prices Fork Water Project- Carryover Funds**

On a motion C.P. Shorter, by seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

890	PSA Loan	\$72,382
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The source of the funds for the foregoing appropriation is as follows:

**Revenue Account**

451203	Undesignated Fund Balance	\$72,382
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Said resolution appropriates the remaining funds as of June 30, 2002 approved as a loan to the PSA for the Price's Fork water project.

**Shawsville Rescue Squad -Additional Appropriation**

On a motion C.P. Shorter, by seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

330	Shawsville Rescue Squad	\$5,950
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The source of the funds for the foregoing appropriation is as follows:

**Revenue Account**

451203	Undesignated Fund Balance	\$5,950
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Said resolution appropriates funds to reimburse Shawsville Rescue Squad for availability fees and connection fees charged by the Montgomery County Public Service Authority. The PSA will return these funds to the County to reduce their loans from the County.

#### **Office on Youth - Home Electronic Monitoring Grant**

On a motion C.P. Shorter, by seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003 for the function and in the amount as follows:

521	Home Electronic Monitoring Grant	\$6,200
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The source of the funds for the foregoing appropriation is as follows:

#### **Revenue Account**

424401	State Grants	\$6,200
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Said resolution appropriates Home Electronic Monitoring Grant funds for the Office on Youth Department.

#### **Speed Study Request - Route 8**

On a motion C.P. Shorter, by seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Board of Supervisors expresses their desire to have a speed study conducted on a portion of Route 8 ( Riner Road) to determine the feasibility of reducing the speed limit.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to conduct a speed study on Route 8, beginning at the intersection of Interstate 81 and ending at the intersection of Childress Road (SR 693), to determine the feasibility of reducing the speed limit to 45 m.p.h. from 55 m.p.h..

#### **Acknowledge Speed Study Report - Norris Run Road (SR 708)**

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On a motion C.P. Shorter, by seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors received a petition from concerned citizens requesting a speed study on Norris Run Road (SR 708); and

WHEREAS, By resolution dated December 17, 2001 the Board referred said request to the Virginia Department of Transportation for a traffic study on Norris Run Road (SR 708) to determine the feasibility of reducing the speed limit; and

WHEREAS, The Resident Engineer has responded that a speed study has been completed by VDOT's Traffic Engineering Division; and

WHEREAS, As a result of the speed study, the Department of Transportation does not recommend reducing the speed limit at this time for the following reasons:

1. The road has a low traffic volume
2. The road has no recorded accidents in the last five years.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia acknowledges receipt of the Resident Engineer's report that no speed limit reduction on Norris Run Road (SR 708) will be undertaken at this time and extends its appreciation to the Virginia Department of Transportation for the report.

#### **The Ridges Phase 5 - Final Plat**

On a motion C.P. Shorter, by seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Ridges Phase 5 consists of 8 lots located off Ridge Road (SR 1052) and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance).

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of The Ridges Phase 5 (John D. Abbott Job No. 01057CN dated May 1, 2002, Mt. Tabor Magisterial District.

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

#### **OLD BUSINESS**

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### **Special Use Permit - The Roanoke Valley Four Wheelers Association**

On a motion by Gary D. Creed, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that The Roanoke Valley Four Wheelers Association request for a Special Use Permit in Agricultural (A-1) to allow a Civic Club, Campground and a Recreational Vehicle Park on approximately 125 acres is hereby approved subject to the following conditions:

1. Camping (primitive & RV) shall be limited to members of the Roanoke Valley 4-Wheeler's Association only and not open to the public. The maximum number of people camping (primitive & RV) on the property at any one time shall not exceed forty (40) persons.
2. The existing camping sites with power located at the existing clubhouse shall not be used until the Building Official has inspected and approved the sites in accordance with the Uniform Statewide Building Code (USBC) and all other applicable building codes. In addition, the septic system and well shall be approved by the Montgomery County Health Department prior to use of camping sites. The exact number of hookups permitted at the clubhouse shall be determined by the health department as part of the operations permit but in no case shall it exceed five (5).
3. A waste disposal method for the primitive camping area shall be submitted for approval by the Montgomery County Health Department within sixty (60) days of approval of the special use permit.
4. Camping (primitive & RV) on the property shall be limited to those sites depicted on the location map prepared by the Montgomery County Planning Department, GIS and Mapping Services dated June 25, 2002 and only those locations approved by the health department and/or building official.
5. Recreational vehicles shall not be located on the property for more than 180 consecutive days.
6. Fire pits shall be approved by the local fire department or US Forest Service within sixty (60) days of approval of the special use permit.
7. The zoning administrator and/or other county employee designated with enforcement responsibilities of the county ordinances shall have the right to access the property to ensure compliance with all above conditions.
8. Failure to comply with these conditions shall result in revocation of the special use permit by the Board of Supervisors.

The property is identified as Tax Parcel No's. 33-A-2A,2E (Account ID #'s 016068,031198), 3870 Bradshaw Road in the Shawsville Magisterial District. The property currently lies in an area designated as Rural in the comprehensive plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSENT DURING VOTE</u>
John A. Muffo	None	James D. Politis	Annette S. Perkins
C.P. Shorter		Larry N. Rush	
Gary D. Creed			
Mary W. Biggs			

### **Rezoning Amendment - Maple Ridge Land, LLC**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Maple Ridge Land, LLC request for an amendment of proffered conditions to The Village of Maple Ridge Rezoning Request that was previously approved on October 9, 2001 is hereby approved with the following proffered conditions:

The Applicant will develop the property substantially in accordance with “The Villages of Maple Ridge Planned Residential Development” Concept Plan prepared by Maple Ridge Land, L.L.C. of Williamsburg, Virginia with assistance from Anderson & Associates, Inc. of Blacksburg, Virginia, dated 01 August 2001. The proffers were amended 12, September, 2001, and amended 03, June 2002.

1. A maximum of 86 single-family homes will be constructed in Villages 2, 4, and 5.
2. A maximum of 84 multi-family dwellings of a two-story townhouse design will be constructed and managed by a management company.
3. The 119.99 acres rezoned as R-2 with proffers will allow for the construction of single-family homes only; duplexes will not be allowed.
4. An emergency access trail will be built between roads G and H. See attached “Typical Section Emergency Access Trail between Roads G and H, The Village of Maple Ridge, 12 SEP 01.” The owners of the townhouse complex on behalf of “The Villages of Maple Ridge” homeowners association will maintain the trail.

5. The emergency access trail will have removable bollards at each end of the trail. See attached "Detail of Removable Bollard, Emergency Access Trail Between Roads G and H, The Villages of Maple Ridge, 12 SEP 01.
6. A vegetative berm will be constructed along Village 1A and 1B as shown on the Overall Master Plan. See attached "Section Detail of Vegetative Berm, The Village of Maple Ridge, 12 SEP 01." The owners of the townhouse complex will maintain the berm.
7. The property Rezoned as RM-1 will be constructed with a combination of brick and vinyl exteriors that are similar in look to those built in the town in Village 1A as per the Overall Master Plan. See attached "Typical North Main Street Elevation" and "Typical Project Elevation."
8. As part of the multi-family development, a maintenance/storage facility may be constructed in Village 1B. A self-service community car wash may be constructed as part of the maintenance/storage facility.
9. There may be covered parking throughout Village 1A and 1B with no more than 10% of the parking spaces to be covered.
10. The minimum lot size for Village 2 is 14,000 square feet.
11. The minimum lot size for Village 4 is 14,000 square feet.
12. The minimum lot size for Village 5 is 20,000 square feet.
13. One free-standing sign will be constructed at each of the entrances to the individual villages. The signs will not exceed 32 square feet and will be no taller than 8 feet. All other signage shall be to Montgomery County and VDOT standards.
14. All roads will be built to VDOT standards as per VDOT Subdivision Street Requirements. Roads will be 24 feet wide with ditch drainage; roads may have a grade of up to 16% and classified under VDOT standards as mountainous. Installation of curb & gutter and sidewalks shall be at the sole option of the owner/developer. Roll top curb & gutter may be substituted for VDOT Standard CG-6 at the option of the owner/developer.
15. The twenty-foot wide easement for the outer loop bicycle path shall be dedicated to the Town of Blacksburg.
16. Landscaping shall conform to the appropriate sections of the Montgomery County Zoning Ordinance latest edition to include, but not limited to, interior and perimeter landscaping and parking lot island size.

17. Lighting shall conform to the appropriate sections of the Montgomery County Zoning Ordinance latest edition.
18. Buffering and setbacks shall conform to the appropriate sections of the Montgomery County Zoning Ordinance latest edition.
19. Parking and loading requirements shall conform to the appropriate sections of the Montgomery County Zoning Ordinance latest edition.
20. Public utility construction and installation that, as of the date of this application, are not associated with the Town of Blacksburg, shall conform to Montgomery County Public Service Authority, Virginia Department of Health Regulations and VDOT standards. The owner/developer may, at its option, place the water lines in the right-of-way, but outside of the actual roadway.
21. All roads that end with cul-de-sac shall have up to 35 lots.

The properties are located near the North Main Street (US 460) and Mount Tabor Road (Rte 624) intersection and are identified as Tax Parcel Nos. 028-A-93, 94, 95, 96, 97, 98 & 41-A-3, 1A & 41-8-85 (Acct ID #'s 015210, 012278, 015237, 015209) in the Mount Tabor Magisterial District. The properties currently lie in an area designated as Urban Expansion in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
John A. Muffo		Larry N. Rush
C.P. Shorter		
Annette S. Perkins		
Mary W. Biggs		

### **Ordinance Relocating the Central Absentee Voting Election Precinct**

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

### **ORDINANCE 2002-14 An Ordinance Relocating The Central Absentee Voting Election Precinct**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Central Absentee Voting Election Precinct location shall be amended and re-ordained as follows:

### CENTRAL ABSENTEE VOTING ELECTION PRECINCT

The Central Absentee Voting Election Precinct shall be located in the ~~Jury Room on the Fourth Floor of the Montgomery County Courthouse~~ Multi-Purpose Room located on the First Floor of the Montgomery County Government Center, 755 Roanoke Street in Christiansburg, Virginia. This Precinct shall be where all the absentee ballots shall be gathered and counted each November General election.

This Ordinance shall not be effective until such time that the United States Justice Department provides the necessary approval pursuant to Section 5 of the Voting Rights Act.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	James D. Politis
Gary D. Creed		Larry N. Rush
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		

### NEW BUSINESS

#### FY 2002-2003 Changes to the Personnel Policies and Procedures

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby approves and authorizes changes to the County Personnel Policies and Procedures dated August 12, 2002.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
C.P. Shorter		Larry N. Rush
Gary D. Creed		
John A. Muffo		
Mary W. Biggs		

#### Board of Supervisors -Consulting Services for Tax Processing

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

100	Board of Supervisors	\$90,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451203	Undesignated Fund Balance	\$90,000
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Said resolution appropriates fund balance monies to cover the estimated costs of consulting services provided by Robinson, Farmer, Cox Associates through September 2002.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Gary D. Creed	None	James D. Politis	John A. Muffo
Annette S. Perkins		Larry N. Rush	
C.P. Shorter			
Mary W. Biggs			

Supervisor Muffo stated for the record the reason he voted to abstained is due to the fact that the County needs to stop supporting the Treasurer's office. He stated that this is in no way a reflection on the quality of work by Robinson Farmer and Cox Associates.

**Resolution of Appreciation - New River Valley Volunteer Fire and Rescue Workers and Law Enforcement Personnel**

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

WHEREAS, Every member of our Law Enforcement in Montgomery County is committed to providing the highest level of police service to our community and improving the quality of life for everyone who lives and works in our community; and

WHEREAS, Montgomery County has more than 325 volunteer fire and rescue members who generously give of their time and skills to provide a vital public service to our community; and

WHEREAS, The members of Montgomery County's Volunteer Fire and Rescue Squads engage in tremendous hours of specialized training and continuing education to enhance their firefighting and lifesaving skills; and

WHEREAS, The citizens of Montgomery County have benefitted daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, This year more than any other year we have seen an outpouring of selflessness and sacrifice by our Law Enforcement and Volunteer Fire and Rescue Crews; and

WHEREAS, When terror struck our nation with the bombing of the World Trade Center in New York City and the Pentagon in Washington, D.C. on September 11, 2001, our Law Enforcement and our Firefighters and Emergency Personnel responded with courage and determination; and

WHEREAS, While our nation owes a lot of credit to the Law Enforcement Personnel and to the Fire and Rescue Crews who were at Ground Zero, we also owe a tremendous amount of credit to the Law Enforcement Personnel and to the Volunteer Fire and Rescue Crews in the New River Valley, who daily give of their time and skills to provide a vital public service to our community.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends its gratitude and appreciation to members of our law enforcement and the Volunteer Fire and Rescue Crews in the New River Valley for their patriotic service and dedicated efforts to serve and protect the citizens of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
John A. Muffo		Larry N. Rush
C.P. Shorter		
Gary D. Creed		
Mary W. Biggs		

**Petition to The Governor of the Commonwealth of Virginia to Declare Montgomery County a Drought Area**

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

WHEREAS, Widespread areas of Montgomery County are experiencing severe drought conditions, which have caused crops losses and damaged forage crops on which livestock producers depend; and

WHEREAS, The lack of forages has caused many farmers to feed hay which would normally be reserved for the winter months; and

WHEREAS, Many farmers have seen their springs, streams and wells go dry, causing a severe hardship to livestock producers who no longer have sufficient water for their herds; and

WHEREAS, There does not appear to be any relief in the foreseeable future; and

WHEREAS, These conditions have, and continue to cause severe financial loss to Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby petitions the Honorable Mark Warner, Governor of the Commonwealth of Virginia, to declare Montgomery County a drought area in order to provide the means for those affected to qualify for some relief assistance.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Annette S. Perkins		Larry N. Rush
Gary D. Creed		
C.P. Shorter		
Mary W. Biggs		

Doug Harris, Extension Office, expressed appreciation to the Board for adopting the resolution requesting the Governor to declare Montgomery County a drought area. Mr. Harris indicated that Montgomery County is experiencing a severe drought, with the ground water at a record low, stream flow is slow and

an all-time high on wells in the County drying up. Over the past few years the water level has slowly decreased due to lack of rainfall. Mr. Harris stated is will take a significant amount of rainfall over the next few years to increase the water level to where it should be.

### **COUNTY ADMINISTRATOR'S REPORT**

Pocket Park Concept - Gazebo Brick Paving The County Administrator directed the Board to a drawing in their packet on the proposed gazebo project. A fundraiser is proposed for the coming year to help raise money for the project. Bricks will be sold for \$50.00 each and will be available for inscription. The bricks will be part of the walkway in front of the gazebo. The County Administrator reported that the group proposing this project would like to have approval from the Board of Supervisors so they can proceed with the fundraising project.

### **Resolution of Support for the Gazebo Project - Downtown Christiansburg**

On a motion by Gary D. Creed, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby supports and endorses the gazebo project going forward as presented in the attached document entitled "East Main Street Pocket Park Concept Plan" proposed to be located on the county's property at the intersection of East Main Street and Pepper Street.

BE IT FURTHER RESOLVED, The Board of Supervisors will consider final approval of the use of the county property for the gazebo project once a financing plan for construction of the project is completed and an agreement for use of the county property is finalized.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	James D. Politis
Gary D. Creed		Larry N. Rush
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		

## **BOARD MEMBERS' REPORTS**

Supervisor Shorter asked the County Administrator who was responsible for cleaning up survey markers left behind by the State for taking aerial photos for their GIS mapping project. Although the State is responsible for cleaning up the markers, the County Administrator will direct the County's General Services Department to schedule a day to do the clean up.

Supervisor Muffo LGOC Conference Supervisor Muffo attended the Local Government Officials Conference ( LGOC) held in Charlottesville. He was amazed at the animosity between the local level of government leaders and the state leaders. He believes Montgomery County works well with their state officials.

Tax Structure Study Supervisor Muffo reported that the necessary tools were taken away from localities to increase local revenue.

Supervisor Perkins LGOC - Supervisor Perkins attended the LGOC conference. She attended the Transportation Steering Commission session and reported that the budget for the Virginia Transportation System looks rather grim. There will be budget cuts in the transportation system state wide.

Supervisor Creed Virginia Department of Transportation (VDOT) Supervisor Creed expressed dissatisfactions over the method used by VDOT to clean out culverts. He believes the requirement to have an environmental study done every time a culvert needs to be cleaned out is not necessary.

Supervisor Biggs County/School Liaison Meeting is scheduled for Thursday, August 15, 2002 at 4:00 p.m.

County/Town Liaison Meeting is scheduled for Wednesday, August 21.

Cigarette Tax Chair Biggs directed the Board members to their non-agenda packet. Isle of Wight County sent a letter requesting support for counties to have the right to enact a cigarette tax. This item will be added to the next agenda for the Board's consideration.

Homeland Security - The Governor will be making an announcement shortly regarding Homeland Security. There will be funds available to the state from the federal government to help with local level security.

Virginia Tax Restructuring A public hearing will be held Wednesday, October 16, 200 in Roanoke on tax restructuring. Supervisor Biggs asked that someone from Montgomery County attend and speak on behalf of the County.

## **INTO CLOSED MEETING**

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711      (7)      Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Blacksburg Shell Building
2. Christiansburg Boundary Line Adjustment Agreement

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
C.P. Shorter		Larry N. Rush
John A. Muffo		
Annette S. Perkins		
Mary W. Biggs		

### **OUT OF CLOSED MEETING**

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
C.P. Shorter		Larry N. Rush
John A. Muffo		
Annette S. Perkins		
Mary W. Biggs		

### **CERTIFICATION OF CLOSED MEETING**

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Gary D. Creed  
C.P. Shorter  
John A. Muffo  
Annette S. Perkins  
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

James D. Politis  
Larry N. Rush

ABSENT DURING MEETING

James D. Politis  
Larry N. Rush

OTHER BUSINESS

**Request to Use County Property - Sons of the Confederate Veterans**

The Board of Supervisors received a request by the Sons of the Confederate Veterans to use county property across the street from the Montgomery County Courthouse to hold a commemorative ceremony

honoring the one hundredth anniversary of Constitution Oak. It was the consensus of the Board that this was not in accordance to Montgomery County Policy for use of county property.

**Parks and Recreation Commission - Naming Park Facilities in Honor and Recognition of Former Board of Supervisors Members**

Supervisor Rush informed the Board that the Parks and Recreation Commission is considering naming park facilities in honor of former members of the Board of Supervisors. The Parks and Recreation Commission would develop a formal policy and forward it to the Board of Supervisors for consideration. It was the consensus of the Board of Supervisors to authorize the Parks and Recreation Commission to develop a policy on naming park facilities in honor of former members of the Board of Supervisors and to forward the policy to the Board for consideration and adoption.

**ADJOURNMENT**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously, the Board adjourned to Monday, August 26, 2002 at 7:15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	James D. Politis
Gary D. Creed		Larry N. Rush
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		

The meeting adjourned at 10:45 p.m.